

Excerpts
Planning Commission Minutes
August 14, 2002

Application No. UP-603-02, Virginia and Earl Young. Request for a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize an accessory apartment containing in excess of 25% of the total floor area of the associated single family detached dwelling located at 114 Fishermans Cove, which is zoned RR (Rural Residential), and designated for Low Density Residential development in the Comprehensive Plan.

Ms. Amy Parker presented a summary of the staff memorandum to the Commission dated August 1, 2002, aided by brief audiovisual presentations. She noted the staff recommendation of approval.

Mr. Heaver inquired if the applicants had an approved building permit for construction of the garage and Ms. Parker replied they obtained an approved permit for a garage.

Mr. Barba asked what constitutes an “accessory apartment,” and Mr. Carter explained a space requires living space and a full bath to qualify as an accessory apartment. He added that when the building permit was obtained for this particular structure the upper floor was presented as an open area; later, the applicants decided to request a use permit to convert it to an accessory apartment.

Chair Hendricks opened the public hearing.

Mr. Robert Criner, 100 Criner Lane, introduced himself to be the contractor hired by applicants whom, he explained, initially planned to use the upper floor of the garage as an office.

There were no others desiring to speak, and the Chair closed the public hearing.

PC02-26

On motion of Mr. Heavner, which carried 5:0 (Ptasznik and White absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 114
FISHERMANS COVE

WHEREAS, Earl L. and Virginia S. Young, Trustees have submitted Application No. UP-603-02 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 114 Fishermans Cove and further identified as Assessor's Parcel No. 25-429; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of August, 2002, that it does hereby transmit Application No. UP-603-02 to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 114 Fishermans Cove and further identified as Assessor's Parcel No. 25-429.
2. Building plans in substantial conformance with the floor plans submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 900 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The accessory apartment shall be served by public sewer.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
